

REMARKS

Applicants thank Examiner Wilder for the helpful suggestions during the telephone conference of March 25, 2004.

Applicants note that the previous two restriction requirements, mailed July 19, 2002 and March 28, 2003, were vacated. The Examiner points out that the previous restriction requirements were not clear on the record because the second restriction requirement made final the first election and did not vacate the first restriction requirement in lieu of the second restriction requirement.

Claims 1, 3-4, 9-10, and 12-42 constitute the pending claims in the present application. Claim 1 has been amended. Applicants submit that the claim amendments are fully supported by Applicants' original specification and claims. No new matter has been introduced.

In reply to the outstanding Restriction Requirement, mailed March 30, 2004, in connection with the above application, Applicants hereby elect, with traverse, Group I (claims 1, 3-4, 9-10, 12-15, and 26-29), drawn to a method for attenuating expression of a target gene. Applicants traverse this restriction requirement based on the reasons which follow.

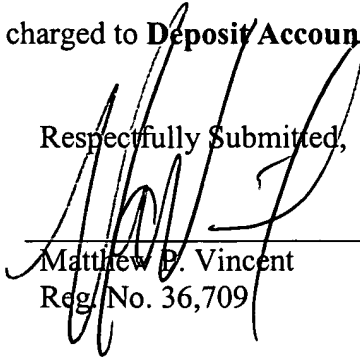
Applicants respectfully submit that Group I is closely related to Group VI. Claims of Group VI are directed to an isolated guide RNA, while claims of Group I are directed to a method for attenuating expression of a target gene using the guide RNA of Group VI. Thus, simultaneous examination of the pending claims of Groups I and VI will not impose a substantial additional burden on the Examiner. Pursuant to MPEP 803, "[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added).

For the above reasons, Applicants submit that there is no significant additional burden on the Examiner to search Group VI together with the elected Group I.

Therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested.

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,



Matthew P. Vincent
Reg. No. 36,709

Date: April 28, 2004

Customer No: 28120
Docketing Specialist
Ropes & Gray LLP
One International Place
Boston, MA 02110
Phone: 617-951-7615
Fax: 617-951-7050